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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,966	03/23/2004	Greg E. Berna	Y3.0124	2330
29438	7590	09/15/2005		
MATHEW R. P. PERRONE, JR. 210 SOUTH MAIN STREET ALGONGUIN, IL 60102-2639			EXAMINER COLLADO, CYNTHIA FRANCISCA	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,966

Applicant(s)

BERNA ET AL.

Examiner

Cynthia F. Collado

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed:
- 6) ☒ Claim(s) 1,2,13 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-12,14-18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/23/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss et al (Us Patent No.4505495) in view of Kern et al (Us Patent No.5921566).

Foss teaches the platform dolly including the platform support casters and an adjustable hinged locking mechanism (see figure 5, element 38 and 65), however Foss fails to teach a composite material forming the platform support. Kern teaches a composite material forming the platform support the composite material providing light weight and great strength for the platform support (see column 1, lines 5-14). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to manufacture a dolly out of composite material, in which can be cheaper to manufacture.

Regarding claim 19, Foss teaches Mounting at least one adjusting means on the support platform (see figure 2, element 10), positioning the at least one adjusting means in order to support a desired piece of item to be moved (see figure 3, element 12), supporting the desired item to be moved on the platform dolly (see figure 3, element 12), moving the desired item to be moved on the platform dolly (see figure 3, element 12).

4. Regarding claim 2, Kern teaches a platform support having one adjustable bumper block mounted on one edge (see figure 3, elements 44 and 46), one adjustable bumper block serving to adjust one factor selected from the group consisting of a width of the platform support a height of the platform support and a length of the platform support (see figure 3, element 26,44,46), one securing means supporting one adjustable bumper block in a desired position (see figure 3, element 28,44,and 46).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kern et al (Us Patent No.5921566) in view of Rehrig (Us Patent No.4824129) and further in view of Heiligenthal et al (Us Patent No.4922574).

Heiligenthal teaches a dolly including the platform support having casters (see figure 1, element 20) and an adjustable locking (see figure 7, element 27), Heiligenthal does not teach composite material forming platform, however Kern does teach a composite material forming the platform support (see figure 1, element 12), the composite material providing light weight and great strength for the platform (see figure 1, element 10 and 12) also (see column 1, lines 35-38), the platform support having at least one adjustable bumper block mounted on one edge (see figure 3, element 46), at

Art Unit: 3618

least one adjustable bumper block serving to adjust the width of the platform (see figure 3, element 44 and 46), one securing means supporting the adjustable bumper block in a desired position (see figure 4, elements 28, 44 and 46). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to manufacture a dolly out of composite material, in which can be cheaper to manufacture. Kern fails to teach the composite construction material made of wood, however Rehrig teaches the composite construction consisting of resin coated wood (see column 1, lines 20-32).

### ***Allowable Subject Matter***

Claims 3-12, 14-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*dfc 8/10/02*  
CFC

*[Signature]*  
**J. ALLEN SHRIVER**  
**PRIMARY EXAMINER**